

## 5. SELECTION AND AWARD PROCESS

### 5.1 Preliminary Evaluation

The proposals will first be reviewed to determine if minimum submission requirements are met. Failure to meet minimum submission requirements may result in the proposal being rejected. In the event that all proposers do not meet one or more of the minimum submission requirements, the Department reserves the right to continue the evaluation of the proposals and to select the proposal which most closely meets the requirements specified in this RFP. The determination of whether an RFP condition is substantive or an informality shall reside solely with the Department.

A W-2 agency that was previously or is currently subject to a corrective action plan (CAP) is not disqualified from submitting a proposal under the RFP for a competitive geographic area. However, the Department will include the information in its possession as a part of the CAP process in its review of any such proposal.

### 5.2 Proposal Scoring

Proposals will be reviewed by evaluation committees and scored against the stated criteria. A proposer may not contact any member of an evaluation committee except at the State's direction. The committee may review references, request interviews, and/or conduct on-site visits and use the results in scoring the proposals. Each proposal will be scored.

The evaluation committee's scoring will be tabulated and the proposals ranked for each geographic area based on the numerical scores received. Cost from RFP Attachment H, line (g) will be prorated with the lowest cost proposal given the highest score for the geographic area. The following formula will be used:

$$(\text{Lowest bid (constant)/Bid being scored}) \times 200 \text{ points} = \text{Cost score}$$

Calculation of points awarded to subsequent proposals will use the lowest dollar amount bid for the geographic area being scored as a constant numerator and the dollar amount of the proposal being scored as the denominator. (This result will always be less than one.) The result then is multiplied by the number of points given to the cost section of the RFP.

Proposer agencies that wish to claim minority proposer preference must so indicate on the Affidavit Form (Attachment C to the Response Items). Total points for proposer agencies may be weighted by one hundred and five percent (105%) to allow for a five percent (5%) preference to a certified minority business under section 16.75(3m) of the Wisconsin Statutes.

The State of Wisconsin reserves the right to accept or reject any or all proposals, to waive any technicality in any proposal submitted, and to accept any part of a proposal as deemed to be in the best interests of the State of Wisconsin.

### 5.3 Oral Presentations

Proposers may be required to make oral presentations to a panel of high level Department managers. The panel will consider the clarity of the presentation, responses to questions, and demonstrated experience with programs of similar magnitude. After the oral presentations are held (if required), final scores will be assigned to the proposals using the stated criteria.

Proposers receiving top scores in the initial round will be notified of the time and place for the oral presentations, if determined necessary. The oral presentation will be made at no cost to the State of Wisconsin. Although oral presentations may occur, proposers are cautioned to include information in their proposal that is as complete as possible. Proposers invited to make oral presentations are required to include the key staff person who will be responsible for administering the W-2 program. If oral presentations are held, the proceedings will be recorded and the panel's questions and proposer's responses will be part of any ensuing contract.

### 5.4 Evaluation Criteria

Each geographic area constitutes a separate competitive process. Proposers for a geographic area are only in competition with other proposers for that same geographic area.

A maximum of **1,000 points** will be available for each proposal. The maximum points are distributed among the proposal sections as follows:

<u>Proposal Section</u>	<u>Maximum Points</u>
7.1 Program Identification/Organization	250
7.2 Program Plan	400
7.3 Coordination and Collaboration	150
7.4 Cost Proposal	<u>200</u>
	1000

As a procurement tool, the RFP process by design includes subjective elements. It is not a bid with specific pass/fail criteria for each and every contract provision. Nor is it an exam, where there are right and wrong answers to essay-type questions. Instead, proposers are asked to describe their qualifications and experience with this type of contract and their proposed plan for addressing the various elements of the contract. This approach allows each proposal to be evaluated on its combined strengths and weakness. The proposals are scored individually by the evaluators, and agreement among the evaluation team members is not required, i.e., this is not consensus scoring.

## **5.5 Awards and Final Offers**

The Department's Secretary shall make the final decision on the contract award for each geographic area. The Department reserves the right to reject any or all proposals and to negotiate the terms of a contract, including the award amount and W-2 and related program activities, with a selected proposer prior to entering into a contract. If contract negotiations cannot be concluded successfully with the selected proposer for a geographic area, the Department may negotiate a contract with the next highest scoring proposer in that geographic area or, if contract negotiations cannot be concluded successfully with the selected proposer, the Department may, at its option, if it is in the best interest of the State and geographic area to be served, negotiate a contract with a contractor selected under the RFP (to serve another geographic area) to provide services for that geographic area.

If no proposals, or no acceptable proposals are received for a geographic area, the Department reserves the right to negotiate for the W-2 and related services with any contractor selected under this RFP process.

If no acceptable provider in a geographic area is selected, the Department will administer or arrange for the administration of the W-2 program for that geographic area.

## **5.6 Notice of Intent to Award the Contract(s)**

All proposer agencies who respond to the RFP will be notified in writing of the State's intent to award the contract(s) as a result of this RFP. The Notice of Intent to Award the Contract(s) will be mailed to the RFP Contact named in each proposer's Request to Remain on Mailing List.

## **5.7 Required Pre-Contract Phone Conference**

Any proposer who receives a Notice of Intent to Award the Contract(s) (or authorized designees) will be required to participate in a pre-contract phone conference with the State's W-2 Administrator (see Anticipated Timetable). The purpose of this conference will be to review proposer agency opportunities and obligations under the contract and answer proposer agency questions prior to final signing of the contracts. The Department will issue instructions and draft agenda for the phone conference. The Department reserves the right to withdraw any agency's Notice of Intent to Award the Contract(s) for failure to participate in this phone conference.

Agencies may be excused from this requirement through prior arrangement with the State's W-2 Administrator. The State also recognizes uncontrollable factors such as sudden illness, family emergencies, and natural disasters may cause an agency to miss the phone conference even though the agency had every intention of participating. In such occurrences, the State will not unreasonably apply the failure to participate provision of this paragraph.

Due to conference call capacity limitations, no more than one representative per agency may call in to the conference. (Note: Any number of representatives may participate if the proposer agency can make a group connection to the State's conference line.)

## 5.8 Appeals Process

All appeals must be made in writing and must fully identify any contested issues. Subjective interpretations by evaluators are not subject to protest or appeal. The written appeal must be based on one of the following factors:

- A conflict of interest on the part of one or more evaluators.
- Mathematical errors were made in the scoring of proposals.
- The evaluators did not adhere to the established evaluation criteria.

The notice of intent to protest the Notice of Intent to Award the Contract(s) must be postmarked and filed with the Administrator of the Division of Workforce Solutions, Room G100, 201 East Washington Avenue, P.O. Box 7835, Madison, Wisconsin 53707-7835, and received in that office no later than five (5) business days after the Notice of Intent to Award the Contract(s) is postmarked. Any written protest, fully documenting the basis for appeal, must be received within ten (10) business days after the Notice of Intent to Award the Contract(s) is postmarked.

For purposes of this provision, fax communications will suffice. Use fax number (608) 267-3240, Attention Mary Ann Ruesch, for this purpose and confirm timely receipt by telephoning Mary Ann Ruesch at (608) 266-9371.

The Division Administrator shall review the appellant's basis for the appeal and shall render a decision on the appeal.

An appellant that has an appeal denied by the Division Administrator shall have the right to appeal the decision to the Secretary of the Department of Workforce Development, 201 East Washington Avenue, P.O. Box 7946, Madison, Wisconsin 53707-7946. The written appeal must be based on one or more of the factors listed above and must fully explain the basis for appealing the Division Administrator's denial. The written appeal to the Department Secretary must be received in that office no later than five (5) business days (from the day postmarked) after the appeal is denied by the Division Administrator. The Department Secretary shall review the appeal and render a final decision on awarding of the contract.

## 5.9 Public Records Access

It is the intention of the State to maintain an open and public process in the solicitation, submission, review, and approval of procurement activities. However, for purposes of this RFP, there will be no public inspection prior to issuance of the Notice of Intent to Award the Contract(s).